

REMARKS

The application has been amended and is believed to be in condition for allowance.

New dependent claims 20-25 are being presented.

Claims 15, 16 and 19 have been amended as kindly suggested by the Examiner. The suggestions are appreciated by applicant.

Applicant acknowledges with appreciation the indication that claims 17-19 are directed to allowable subject matter.

Claims 1-14 were rejected as obvious over PAN 6,043,115 in view of TANAKA NAGATAKA (JP 11-097662).

Claims 15-16 were rejected as obvious over KIMURA 6,172,351 in view of PAN.

The rejection of each of the independent claims relies on the reading of the recitation of "a light shielding film defining a region of beam incidence on said photoelectric conversion region" onto PAN inter-metal layer 218. See, for example, the Official Action page 5, line 9 "a light shielding film (**inter-metal** layer 218) defining a region ...

The use of "inter-metal" in describing layer 218 has been misunderstood by the Official Action.

Layer 218 is a thin layer but **is not made of metal** and is not a light shielding film as recited.

With reference to column 3, lines 23-26, one can see that the layer 218 is an inter-metal dielectric layer. The term

"inter-metal" is used to mean that layer 218 intervenes between a metal layer 216 and another metal layer 222.

Please see Figure 2D, reproduced below.

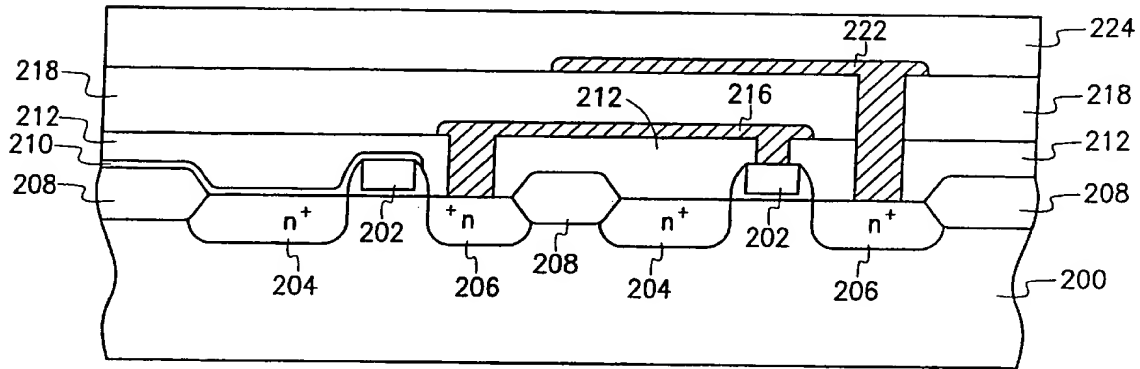


FIG. 2D

If the layer 218 were made of metal, then metal layers 216 and 222 would be short-circuited with each other, and the CMOS sensor would malfunction. Accordingly, layer 218 must be made of an insulating material; that is, a dielectric material.

Since PAN does not disclose the recited "a light shielding film defining a region of beam incidence on said photoelectric conversion region", neither the anticipation rejection nor the obviousness rejection is viable.

Reconsideration and allowance of all the claims are respectfully requested.

The new dependent claims are also believed to patentably recite the present invention in that this structure is also believed to be non-obvious.

In view of the above, reconsideration and allowance of all the pending claims are respectfully requested.

Applicant believes that the present application is in condition for allowance and an early indication of the same is respectfully requested.

Should there be any remaining outstanding matters, it is requested that the undersigned attorney be contacted so that these can be resolved and the case passed to allowance.

Please charge the fee of \$250 for the five extra claims of any type added herewith, to Deposit Account No. 25-0120.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. \$1.16 or under 37 C.F.R. \$1.17.

Respectfully submitted,

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